

Atty. Docket No.
156.0001

PATENT

#10
JOG
10/20/00
Election

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : STAN SCHALL, JR.
Serial No. : 09/310,965
Filed : May 13, 1999
For : EXERCISE APPARATUS



Examiner: J. Saydah
Group Art Unit: 3764

RESPONSE TO SECOND ELECTION REQUIREMENT

Assistant Commissioner of Patents
Washington, D.C. 20231

Sir:

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This paper is being filed in response to the Election Requirement mailed on August 15, 2000. Filed with this Response is a Petition for Extension of Time for one month to extend the response period to October 16, 2000 (as the 15th falls on a Sunday).

Applicant elects species 1 as embodied in Figure 4. Applicant submits that claims 1-4, 6-10, and 13-16 read upon the invention illustrated in Figure 4.

Applicant is unsure why claims 1-3, 6-9, and 13, which were considered to be generic in the first Election/Restriction requirement dated November 22, 1999, are now not considered generic even though claims 1, 6, and 13 are the independent claims in this application. Thus, Applicant respectfully traverses this election requirement in that claims 1-3, 6-9, and 13-16¹ are believed to be generic with respect to the embodiments illustrated in Figures 4(a)-9(j).

¹ Claims 14-16 were added in the Preliminary Amendment dated June 6, 2000, in which Applicant stated which of the added claims read upon the elected species.

Applicant respectfully requests that the Examiner withdraw the restriction/election requirement and proceed on the merits for all of the pending claims.

Respectfully submitted,
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